

## REMARKS

### Claims

Claims 40–59 are pending. Purely to minimize extra claim fees, claims 60–62 are cancelled hereby without prejudice or disclaimer. Claims 1–39 were previously cancelled.

Claims 63–65 are added by this paper.

Insofar as the restriction requirement has not been made final, the claim identifiers used herein only reflect the *provisional* status of the claims. Should the restriction requirement be withdrawn, either completely or partially, Applicants shall amend the claim identifiers to reflect the most current status of the claims.

With respect to identification of claims directed to the elected invention/species, please see *infra*.

### Claim amendments

The claims have been amended to use language in accordance with conventional US practice. Use claims have been amended to recite US process claims.

New claim 63 is supported by the disclosure contained in, for example, original claim 42. The subject matter cancelled from claim 60 is now presented in claims 64 and 65.

It is respectfully submitted that the amendments do not recite new matter. Entry thereof is respectfully requested.

### Restriction

In response to the Restriction Requirement mailed June 22, 2010, Applicants hereby elect, with traverse, claims 50 and 58, directed to method(s) for the treatment of diseases or for the modulation of pancreatic development, and/or the regeneration of pancreatic cells or tissues, comprising administering a DG001 polypeptide or a functional fragment thereof. To the extent that new claims 63–65 recite further aspects of the elected invention, it is submitted that these claims should also be rejoined and examined on their merits.

Applicants respectfully traverse the restriction requirement. The Patent Office has not established that it would pose a serious burden on the Examiner to search all the groups. It is submitted that only minimal, if any further search would be necessary to examine the remaining groups. “If search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct invention.” (Emphasis added.) See, M.P.E.P. §803.

#### Election of species

In the paragraphs bridging pages 8 and 9 of the Restriction Requirement, an *election of species* requirement is set forth. Inasmuch as the present claims are directed to method(s) for using DG001 polypeptides and/or functional fragments thereof (and not the effector molecules), no species election is made herein.

Applicants reserve the right to file one or more divisional applications directed to non-elected inventions.

The following claims read on the elected invention/species: claims 50, 58 and new claims 63–65.

If there are any remaining issues which can be expedited by a telephone conference, the Examiner is courteously invited to telephone counsel at the number indicated below. To this end it is noted that the administrative guidelines under MPEP §812.01 encourage the use of telephone restriction practice.

The Commissioner is hereby authorized to charge any fees associated with this response to Deposit Account No. 13-3402.

Respectfully submitted,

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